

Appendix A

Act 2011-687



ALABAMA 2011 SESSION LAW SERVICE
2011 REGULAR SESSION

Additions and deletions are identified in House Bills.

Vetoed are indicated by ~~Text~~;
stricken material by ~~Text~~.

Act 2011-687

S.B. No. 136

CAMPAIGN FINANCE--CAMPAIGN CONTRIBUTIONS AND EXPENDITURES--REPORTS

By: Senator Orr

Enrolled, An Act, To amend Section 17-5-8, Code of Alabama 1975, relating to the filing of campaign finance disclosure reports; to require the filing of campaign reports at more frequent intervals for the 2012 and 2014 election cycles; to subject Section 527 political organizations that contribute to a state or local election or campaign to file campaign finance disclosure reports; to provide for the filing of large contributions in addition to other filings; to require electronic reporting beginning with the 2014 election cycle, with limited exceptions; commencing with the 2014 election cycle, to require the Secretary of State to establish and maintain an electronic searchable public database of all campaign contributions and expenditures required to be filed with the Secretary of State; and to allow the Secretary of State to promulgate rules for implementing and administering the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-5-8 of the Code of Alabama 1975, is amended to read as follows:

<< AL ST § 17-5-8 >>

“§ 17-5-8.

“(a) Each principal campaign committee or political action committee shall file with the Secretary of State or judge of probate, as designated in Section 17-5-9, reports of contributions and expenditures at the following times once a principal campaign committee files its statement under Section 17-5-4 or a political action committee files its statement of organization under Section 17-5-5:

“(1) Beginning with the 2012 election cycle, regardless of whether the candidate has opposition in any election, on the last day of each month beginning 12 months before the date of any primary, special, runoff, or general election for which a political action committee or principal campaign committee receives contributions or makes expenditures with a view toward influencing such election's result. Beginning with the month preceding the month in which the election is held, each report shall be required as provided in subdivisions (2) and (3).

“(2) With regard to a primary, special, runoff, or general election, a report shall be required weekly on the Friday of each week before the election.

“(3) a. In addition to the reporting dates specified in subdivisions (1) and (2), reports required to be filed with the

Secretary of State shall be filed with the Secretary of State on the eighth, seventh, sixth, fifth, fourth, third, and second day preceding a legislative, state school board or other statewide primary, special, runoff, or general election, and by 12:01 a.m. on the day preceding a legislative, state school board, or statewide, primary, special, runoff, or general election if any principal campaign committee or political action committee receives or spends in the aggregate five thousand dollars (\$5,000) or more on any day with a view toward influencing an election's results. Principal campaign committees and political action committees that are exempt from electronic filing and principal campaign committees and political action committees required to make daily reports pursuant to this subdivision for the 2012 election cycle may file reports by facsimile (FAX) transmission provided they keep proper documentation in their office.

“b. Electronic filing on the Secretary of State's website may be implemented sooner than the 2014 election cycle as an alternative method of reporting; however, electronic filing shall be required beginning with the 2014 election cycle. Electronic filings shall be available to the public on a searchable database maintained on the Secretary of State's website.

“(b) Each principal campaign committee, political action committee, and elected state and local official covered under the provisions of this chapter, shall annually file with the Secretary of State or judge of probate, as designated in Section 17-5-9, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before January 31 of the succeeding year.

“(c) Each report under this section shall disclose:

“(1) The amount of cash or other assets on hand at the beginning of the reporting period and forward until the end of that reporting period and disbursements made from same.

“(2) The identification of each person who has made contributions to such committee or candidate within the calendar year in an aggregate amount greater than one hundred dollars (\$100), together with the amount and date of all such contributions; provided, however, in the case of a political action committee identification shall mean the name and city of residence of each person who has made contributions within the calendar year in an aggregate amount greater than one hundred dollars (\$100).

“(3) The total amount of other contributions received during the calendar year but not reported under subdivision (c)(2) of this section.

“(4) Each loan to or from any person within the calendar year in an aggregate amount greater than one hundred dollars (\$100), together with the identification of the lender, the identification of the endorers, or guarantors, if any, and the date and amount of such loans.

“(5) The total amount of receipts from any other source during such calendar year.

“(6) The grand total of all receipts by or for such committee during the calendar year.

“(7) The identification of each person to whom expenditures have been made by or on behalf of such committee or elected official within the calendar year in an aggregate amount greater than one hundred dollars (\$100), the amount, date, and purpose of each such expenditure, and, if applicable, the designation of each constitutional amendment or other proposition with respect to which an expenditure was made.

“(8) The identification of each person to whom an expenditure for personal services, salaries, and reimbursed expenses greater than one hundred dollars (\$100) has been made, and which is not otherwise reported or exempted from the provisions of this chapter, including the amount, date, and purpose of such expenditure.

“(9) The grand total of all expenditures made by such committee or elected official during the calendar year.

“(10) The amount and nature of debts and obligations owed by or to the committee or elected official, together with a statement as to the circumstances and conditions under which any such debt or obligation was extinguished and the consideration therefor.

“(d) Each report required by this section shall be signed and filed by the elected official or on behalf of the political action committee by its chair or treasurer and, if filed on behalf of a principal campaign committee, by the candidate represented by such committee. There shall be attached to each such report an affidavit subscribed and sworn to by the official or chair or treasurer and, if filed by a principal campaign committee, the candidate represented by such committee, setting forth in substance that such report is to the best of his or her knowledge and belief in all respects true and complete, and, if made by a candidate, that he or she has not received any contributions or made any expenditures which are not set forth and covered by such report.

“(e) Commencing with the 2014 election cycle, electronic filing of contributions and expenditures for any legislative, state school board, and statewide primary, special, runoff, or general election shall be mandatory, except as provided in subsection (g). The Secretary of State may provide electronic reporting sooner than the 2014 election cycle. Electronic filing shall satisfy any filing requirements of this chapter and no paper filing is required for any report filed electronically.

“(f) In the 2012 election cycle the provisions for the time of filing contained in subsection (a) shall apply to the paper or facsimile (FAX) filings for any legislative, state school board, or statewide primary, special, runoff, or general election.

“(g) Electronic filing of reports shall not apply to any campaign, principal campaign committee, or political action committee receiving ten thousand dollars (\$10,000) or less per election cycle.”

Section 2. (a) Commencing with the 2014 election cycle, all statements, reports of contributions, and expenditures, and other filings required to be filed pursuant to Chapter 5, Title 17, Code of Alabama 1975, shall be submitted electronically over the Internet by a computer file containing the report information in a format and medium to be prescribed by the Secretary of State.

(b) Commencing with the 2014 election cycle, the Secretary of State shall implement and maintain an electronic database accessible by the public through the Secretary of State's website which provides the capability of search and retrieval of all statements, reports, and other filings required to be filed with the Secretary of State pursuant to Chapter 5. The searchable database shall provide the ability to search by a recipient's name, a contributor's name, a contributor's or recipient's zip code, and dates of contributions.

(c) Unless otherwise included in a report made pursuant to subsection (a) of Section 17-5-8, Code of Alabama 1975, the principal campaign committee or political action committee shall file a report disclosing the receipt of any single contribution of twenty thousand dollars (\$20,000) or more. These reports shall disclose the same information required by Section 17-5-8, Code of Alabama 1975, and shall be filed within two business days of receipt of the contribution. Beginning with the 2014 election cycle these reports shall be filed electronically.

(d) Beginning with the 2012 election cycle, a principal campaign committee or political action committee shall close its books in order to complete its reports two days prior to the specified reporting dates.

Section 3. The Secretary of State may promulgate administrative rules pursuant to the Alabama Administrative Procedure Act as are necessary to implement and administer this act.

Section 4. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Approved June 14, 2011.

AL LEGIS 2011-687

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